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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,011

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Herbert Baltes

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ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.

1300 19TH STREET, N.W.

SUITE 600

WASHINGTON,, DC 20036

EXAMINER

WALTERS, RYAN J

ART UNIT

PAPER NUMBER

3726

MAIL DATE

DELIVERY MODE

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/540,011	Applicant(s) BALTES ET AL.	
	Examiner RYAN J. WALTERS	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 June 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8/4/2008</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This office action is responsive to the amendment filed on 8/4/2008. As directed by the amendment: claims 1-10 have been cancelled, and new claims 11-30 have been added. Thus, claims 11-30 are presently pending in this application.

Specification

1. The amendment filed on 8/4/2008 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: The shaping tool 42 being axially movable (Page 7, 3rd paragraph and Page 8, 2nd paragraph of marked up specification).

Applicant is required to cancel the new matter in the reply to this Office Action.

2. The disclosure is objected to because of the following informalities: On page 7, 3rd paragraph of marked up specification: In the first sentence, "accumulator housing 20" should be replaced with "accumulator housing 10".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 11- 12, 14-16, and 24-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hasegawa (US 5,311,910).

6. In regards to **Claim 11** as best understood, Hasegawa discloses a method for producing a piston accumulator, comprising the steps of: mounting a piston 2 in an accumulator housing 1a for movement along a longitudinal axis of the housing with the piston 2 separating an interior of the housing 1a into two working chambers S1, S2 between first and second longitudinal ends of the housing 1a (Col. 2, lines 35-43); providing at least a first shoulder 1b in the interior of the housing 1a adjacent to but spaced from the first longitudinal end of the housing (Fig. 3; Col. 3, lines 40-46); inserting a first cover component 5 at least partially within the housing 1a through the first longitudinal end when open until an inner surface portion 5c of the first cover component 5 engages the first shoulder 1b preventing further insertion of the first cover component (Fig. 3; Col. 3, lines 40-46); deforming a first end portion of the housing 1a between the first shoulder 1b and the first longitudinal end at an acute angle relative to the longitudinal axis (See Fig. 4 where forming tool 10 deforms an acute angle into housing 1a) against an axial outer circumferential contact surface extending at a corresponding acute angle relative to the longitudinal axis and about an axial outer surface portion of the first cover component 5 to secure the first cover component 5 in the housing 1a with the first cover component 5 sealing the first longitudinal end of the housing 1a closed (Fig. 4 and 5; Col. 3, lines 47-68); and sealing the second longitudinal end of the housing closed (Fig. 1; second cover component 9 seals the second longitudinal end of the housing).

7. In regards to **Claim 12**, Hasegawa discloses that the first longitudinal end has an end edge deformed to be substantially flush with the outer surface portion (Fig. 5).
8. In regards to **Claim 14**, see Fig. 3 where the cover component tapers outward along the contact surface at 5c.
9. In regards to **Claim 15**, Hasegawa discloses axially forcing a shaping tool 10 against the longitudinal end to deform the first end portion (Fig. 4a, b). Note the acute angle bevel of shaping tool 10 in Fig. 4b.
10. In regards to **Claim 16**, see Fig. 3 where 1b is a transition point between different wall thicknesses.
11. In regards to **Claim 24**, portion 1b of housing 1a acts as an insertion bevel widening toward an exterior of the housing (Fig. 3).
12. In regards to **Claim 25**, the cover component 5 has a height at least twice a height of a deformed section 5a (Fig. 5).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

14. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

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under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

15. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (US 5,311,910) in view of Weber (PGPub 2004/0238054).

16. In regards to **Claim 13**, Hasegawa does not disclose that a projection extends axially from the outer surface portion of the first cover component. However, Weber teaches providing a projection 21 extending axially from the outer surface portion of a similar cover component 7 (Page 1-2, paragraph 13). It would be obvious to one of ordinary skill in the art to incorporate such a projection in the cover component for the purpose of allowing connection to an associated hydraulic system (Page 1-2, paragraph 13).

17. In regards to **Claim 17**, Hasegawa does not disclose an insertion bevel guiding the cover component. However, Weber teaches providing an insertion bevel which guides the cover component into the housing 3; the bevel tapers inwardly from a free end edge of the longitudinal end on an interior surface of the housing 3 (See beveled edge just below ring 9 in Fig. 1). It would be obvious to one of ordinary skill in the art to incorporate such an insertion bevel for the purpose of ensuring that the cover component will be positioned properly when it is being inserted into the housing.

18. Claims 18-22 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (US 5,311,910).

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19. In regards to **Claims 18-20, 26 and 30**, Hasegawa discloses that the second end of the housing is sealed by a second cover component 56. All of the limitations in claims 18-20, 26 and 30 for the second cover component are identical to those of the first cover component already discussed. It would be obvious to one of ordinary skill in the art to modify the second cover component on the other end of the housing to have the identical features and installation and deformation procedures as the first cover component for the purpose of optimizing the seal on the other end of the housing and also since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art. In re Harza, 274 F.2d 669, 124 USPQ 378 (CCPA 1960).

20. In regards to **Claims 21-22**, it would be obvious to one of ordinary skill in the art to deform both end portions simultaneously for the purpose of saving manufacturing time.

21. In regards to **Claims 27-28**, it would be obvious to one of ordinary skill in the art to deform the first end portion at an obtuse angle for the purpose of creating the desired geometric profile.

22. In regards to **Claim 29**, Hasegawa discloses that the deformed section 5a extends directly from the first longitudinal end 1a (Fig. 5).

23. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hasegawa (US 5,311,910) in view of Masanobu (JP 03092679A).

24. In regards to **Claim 23**, Hasegawa does not disclose inserting the first cover component by a feed bevel of a positioning tool enclosing an edge of the housing.

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However, Masanobu teaches inserting a cover component 6 by a feed bevel of a positioning tool 13 enclosing a free end edge of the first end portion of the housing 2 (Fig. 2c). It would be obvious to one of ordinary skill in the art to utilize a positioning tool while inserting a cover for the purpose of ensuring that the cover component will be positioned properly when it is being inserted into the housing.

Response to Arguments

25. Applicant's arguments with respect to claims 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

26. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN J. WALTERS whose telephone number is (571)270-5429. The examiner can normally be reached on Monday-Thursday, 8am-5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on 571-272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. J. W./
Examiner, Art Unit 3726

/DAVID P. BRYANT/
Supervisory Patent Examiner, Art Unit 3726